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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,774	10/13/2000	Daniel Garfinkel	10001114-1	1066
22879 7590 10/31/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LUDWIG, MATTHEW J	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**Office Action Summary**

Application No.

09/687,774

Applicant(s)

GARFINKEL ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Request for Reconsideration received 8/21/07.
2. Claims 1-5, 8-12, and 14-20, were allowed. Claims 1, 5, and 15, are independent claims.
3. Claims 1-5, 8-12, and 14-20, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mehmet D. Akin "Using Object Oriented Design Patterns to Develop an Interactive Command System for CAD Software".

#### ***Allowable Subject Matter***

4. The indicated allowability of claims 1-5 8-12, 14-20, is withdrawn in view of the newly discovered reference(s) found in the IDS submitted 12/21/2006, to Mehmet D.Akin "Using Object Oriented Design Patterns to Develop an Interactive Command System for a CAD Software with Undo and Redo Support", 2000, pp. 410-417. Rejections based on the newly cited reference(s) included in the IDS filed 12/21/2006 follow.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5, 8-12, and 14-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehmet D. Akin "Using Object Oriented Design Patterns to Develop an**

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**Interactive Command System for a CAD Software with Undo and Redo Support', 2000, pp. 410-417.**

**In response to independent claim 1, Mehmet teaches:**

The reference provides a software mechanism to handle CAD requests. More importantly, Mehmet teaches CAD interactive drawing programs with primitive and compound shaped objects. Primitive objects are lines, points, circles, arcs, polygons and simple text. Compound objects are any set of these primitive objects and they are defined according to the needs of particular contexts. See page 411. The reference fails to explicitly state a note creation module, however, it suggests a program that would allow a user to create text in a CAD environment and associate said text with some type of line, point (change in three-dimensional model). It would have been obvious to one of ordinary skill in the art, having the well-known interactive drawing program, to utilize the simple text/primitive objects to create notes associated with changes in a three-dimensional model and provide a user with an easy way to supply the CAD program with content and create efficient design patterns.

The Undo Manager controls the undo objects. In our CAD kernel, we have an undo buffer in memory, which holds undo objects. When buffer size is exceeded its content are written to a file and another file holds size and position information for each undo object that resides in the file. See page 416. The buffer stores both the note and associated file for later retrieval by a user.

For undo purposes, we have changed the name of the command class and defined an abstract undo class. All undo operations are derived from this class. See page 415. The

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mechanism provides an undo tool for retrieving past actions and displaying compound objects that include text(notes) and drawing when said note was created, using said associated file.

**In reference to dependent claim 2, Mehmet teaches:**

The undo operations taught by the reference provide a query condition and retrieves said captured note and associated data file if said note meets said query condition. See page 415.

**In reference to dependent claim 3, Mehmet teaches:**

Each shape class provides functionality that differs from one shape to another. Rotate, scale, move and other attribute changing methods can also be defined in the Shape base class and overridden in the child classes.

**In reference to dependent claim 4, Mehmet teaches:**

For group operations, line multiple object creation or deletion, we first put a special undo object called Group Marker to undo system. See page 416. The reference suggests multiple user performing group operations.

**In reference to independent claim 5, Mehmet teaches:**

The reference provides a mechanism to handle requests of CAD software. More importantly, Mehmet teaches CAD interactive drawing programs with primitive and compound shaped objects. Primitive objects are lines, points, circles, arcs, polygons and simple text. Compound objects are any set of these primitive objects and they are defined according to the needs of particular contexts. See page 411. The reference fails to explicitly state a note creation module, however, it suggests a program that would allow a user to create text in a CAD environment and associate said text with some type of line, point (change in three-dimensional model). It would have been obvious to one of ordinary skill in the art, having the well-known

interactive drawing program, to utilize the simple text/primitive objects to create notes associated with changes in a three-dimensional model and provide a user with an easy way to supply the CAD program with content and create efficient design patterns.

The Undo Manager controls the undo objects. In our CAD kernel, we have an undo buffer in memory, which holds undo objects. When buffer size is exceeded its content are written to a file and another file holds size and position information for each undo object that resides in the file. See page 416. The buffer stores both the note and associated file for later retrieval by a user.

For undo purposes, we have changed the name of the command class and defined an abstract undo class. All undo operations are derived from this class. See page 415. The mechanism provides an undo tool for retrieving past actions and displaying compound objects that include text(notes) and drawing when said note was created, using said associated file.

**In reference to dependent claim 8, Mehmet teaches:**

The undo manager controls the undo objects. In our CAD kernel, we have an undo buffer in memory, which holds undo objects. A user sets up the system for retrieval of compound objects from memory. See page 416.

**In reference to dependent claim 9, Mehmet teaches:**

Undo manager keeps track of both local (in buffer) Undo pointer and a Global (Disk file and buffer) Undo object pointer to keep track of the object to which the next undo operation will be applied. See page 416. The interactive CAD software management system is set up to present content to a user and allow the user to modify content using the undo manager. See page 416 and 417.

**In reference to dependent claim 10, Mehmet teaches:**

Undo manager keeps track of both local (in buffer) Undo pointer and a Global (Disk file and buffer) Undo object pointer to keep track of the object to which the next undo operation will be applied. See page 416. The interactive CAD software management system is set up to present content to a user and allow the user to modify content using the undo manager. See page 416 and 417. The reference provides a buffer, which holds multiple objects in a hierarchical relationship.

**In reference to dependent claim 11, Mehmet teaches:**

For group operations, line multiple object creation or deletion, we first put a special undo object called Group Marker to undo system. See page 416. The reference suggests multiple user performing group operations.

**In reference to dependent claim 12, Mehmet teaches:**

The reference suggests different kinds of undo-redo mechanisms used in systems. Some software allows the user to undo only one operation (suggests a lock or prevention from other people utilizing the redo/undo mechanism and having access to content). Some systems have a limited undo operation depth using a history buffer. See page 412.

**In reference to claims 15-20,** the claims recite the system comprising computer readable storage medium tangibly embodying computer program instructions for capturing and managing electronic notes. The claims are similar to the method claims of 1-5, 8-14 and therefore, are rejected under similar rationale.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5, 8-12, and 14-20, have been considered but are not persuasive.

Applicant argues on page 6 of the request for reconsideration that the Akin reference fails to point out a verifiable publication date. Applicant stated the Akin reference was submitted in an abundance of caution, since it had been cited by a foreign examiner during the prosecution of a related application. The Examiner has located a publication date for the non patent literature and provided copies of two documents. The first document, Conference Papers in English, lists the specific paper in question and provides information regarding the Akin reference and the 15<sup>th</sup> International Symposium on Computer and Information Sciences (ISCIS XV), 2000. The second paper title, 'Conference Papers', lists the exact date October, 11, 2000 of the symposium in which the paper became public. Both reference have been listed in accordance with the 15<sup>th</sup> International Symposium on Computer and Information Sciences (ISCIS XV), October 11<sup>th</sup> 2000.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER